

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARLINA NANNETT MARTINEZ,

Defendant.

CR-21-25-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 21, 2025. (Doc. 91.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston Marlina Martinez (Martinez) of violating the conditions of her supervised release by: (1) failing to report for outpatient mental health treatment

as instructed by her probation officer on March 26, 2025; (2) failing to report for out-patient substance abuse treatment as instructed by her probation officer on March 25, 26 and 27, 2025; (3) failing to report to her probation officer as instructed on March 26, 2025; and (4) failing to report for random urinalysis testing on March 24 and 26, 2025. (Doc. 82.)

At the revocation hearing, Martinez admitted that she had violated the conditions of her supervised release by: (1) failing to report for outpatient mental health treatment as instructed by her probation officer on March 26, 2025; (2) failing to report for out-patient substance abuse treatment as instructed by her probation officer on March 25, 26 and 27, 2025; (3) failing to report to her probation officer as instructed on March 26, 2025; and (4) failing to report for random urinalysis testing on March 24 and 26, 2025. (Doc. 86.)

Judge Johnston found that the violations Martinez admitted prove serious and warrants revocation, and recommended that Martinez receive a custodial sentence of 3 months, with 45 months of supervised release to follow. The Court advised Martinez of her right to appeal and to allocute before the undersigned, she waived those rights. (Doc. 86.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 91) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Marlina Martinez be sentenced to a term of custody 3 months, with 45 months of supervised release to follow.

DATED this 30th day of May 2025.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court

